CONSTITUTIONAL BARRIERS TO IMPROVEMENT IN COUNTY GOVERNMENT

By

HOWARD P. JONES

With a Foreword by the
HONORABLE FRANK O. LOWDEN

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FOREWORD

We are all interested in the federal government. We give a good deal of thought to our state government. Our cities are more and more engaging the attention of the citizen. In the realm of county government and town government, however, it is only in recent years that students of political science or the people generally have felt any concern. And yet it is precisely these governments which affect the lives of the country population most frequently and most intimately. It is to support these governments that the larger part of our taxes go. It is to these governments that we look largely for our protection. It is upon these governments that we depend for the maintenance of our poor, for the custody of our petty evil-doers and those awaiting trial charged with more serious crimes. It is these governments which administer our schools. It is they, too, which in a large measure build and maintain our roads and construct other local public works. Other important functions also rest upon the county and town governments. No student of the situation contends, I think, that these bodies, under present conditions, are either economic or efficient.

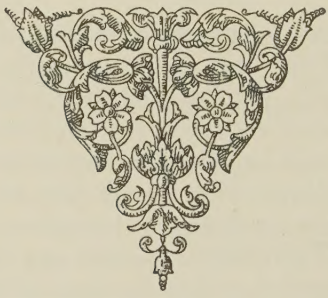
Our county jails have been a disgrace to our country for more than a hundred years. One eminent writer says that to find a parallel it is necessary to go back to Turkey and the thirteenth century. Our county almshouses have been a reproach to our civilization since they were first established. This is not the fault of the officials, who, in the main, are humane and considerate men. It is the system which is to blame. The inmates of the county jails and the inmates of the almshouses are too few in number for modern or humane or economical administration of either. They should be abolished altogether and in their place should come either regional or state institutions. In some parts of New England, we are told, where the state has partially relieved the counties of the care of the poor, they are more comfortably housed and better cared for at less than half the cost than where the counties perform this function. Virginia recently has substituted for the county almshouse ten for the entire state. We are informed that the inmates are better cared for than ever before, with an average cost per capita of but little above one-half of the original cost.

The town, or township, as it is sometimes called, is a still smaller unit of government than the county, and it has largely survived its needs. No one but the town assessor knows what its boundaries are. In the earlier days of slow and difficult transportation to the county seat the township had real significance. It was small in extent because otherwise its citizens could not assemble even once a year. It was supposed to resemble the New England towns which, from the beginning, have been the real unit of government in that portion of the United States. Never, however, in its best days did town government in the United States generally approach in efficiency the towns of New England. Now, with the coming of swift and easy transportation, the reason for town government, outside of New England, seems largely to have disappeared. Gradually its functions have been taken over by the county. The roads are being constructed and maintained more and more by the county and state. Even where the township road commissioner survives

he is under the supervision of the county authorities. The township assessor too, the last of the town officials who is really active, seems on the way to extinction, as county assessment of all property is now regarded a more equitable method than township assessment.

The National Municipal League, with notable achievements in the field of city government to its credit, has wisely undertaken a comprehensive study of county and township government, with a view to its improvement. I have read with the keenest interest and approval the initial report of the Committee which the League has created for this purpose. This report deals with the constitutional barriers to improvement in county government and is, in my opinion, an indispensable preliminary to the reports which are to follow.

FRANK O. LOWDEN, *Honorary Chairman.*



Constitutional Barriers to Improvement in County Government[1]

STUDY of documents of 48 states reveals many restrictions that block progress

BY HOWARD P. JONES *Secretary, N.M.L. Committee on County Government*

BRIEFLY there are five possibilities for improvement in county government. They are: (1) change in the form of government; (2) change in the area of government; (3) change in the functions of the county; (4) abolition of the county; and (5) improvements in administrative methods. This latter, of course, should go hand in hand with any of the other changes, but some progress can be made under present county organizations. The extent to which state constitutions impose obstacles to the flow of county government in any of these various directions without constitutional amendment must be taken into consideration.

OBSTACLES TO CHANGE IN FORM

Elective Officials. The first and most serious barrier to a change in the form of government consists in the large number of elective county officials who are securely fortified by being specifically provided for in the state constitutions. Where these officials are numerous, no satisfactory alteration in the form can come without constitutional amendment. It is obviously impossible to obtain vigorous administration with most of the administrative officers running their own affairs in their own way and responsible to nobody but a vast unorganized electorate or to a political machine which exists solely for the purpose of perpetuating them in office. Furthermore, the listing of these elective officials in the constitution prevents the establishment of optional forms of county government.

Seven states are free from this complication: California, Montana, Minnesota, Nebraska, North Carolina, Rhode Island, (where counties serve only as judicial districts) and Virginia.

In fourteen others, the list of elective officials in the constitution is not formidable, and change in the form of government could be accomplished to some purpose. Alabama, Connecticut, Georgia, Iowa, Kansas, Louisiana, Maine, Massachusetts, Missouri, New Jersey, New Mexico, Oklahoma, South Carolina and Utah could achieve much by way of reorganization even without the deletion of the favored officials from the ranks of those chosen by popular vote. In Connecticut, for instance, only the sheriff and the coroner are required by the constitution to be elected, aside from judicial officers.[2] The Iowa con-

[1]A chart containing in summary form a digest of the constitutional barriers to improvement in county government in the 48 states, with citations, has been prepared by the author and may be obtained from the National Municipal League at a price of $1.00 per copy.

[2]In this discussion, consideration of purely judicial officers has been omitted, since that is a problem requiring separate solution. While they have been listed along with the rest of elective officers it should be appreci-

stitution mentions only the county attorney. In Kansas, the list includes the district court clerk, the probate court judge, the county school superintendent, and the county commissioners. In Maine, only the sheriff, judge and register of probate are required to be elected. In Massachusetts, it is the sheriff, clerk of court and register of probate; in Missouri, only the sheriff and the coroner; in Oklahoma, the county clerk and the county commissioners; in Utah, only the county attorney.

In the remaining twenty-seven states, however, the long lists of elective county officials in the state constitutions are rugged barriers to a change in the form of government. Ohio and Wyoming are exceptions, but the effect is the same, since the constitutions of those states specify that the legislature shall provide for the *election* of the necessary county officers. Texas is an excellent example of the extent to which a long list of elective officials may clutter the constitution. In Texas these officers are required to be elected: district court clerk, county judge, justice of peace, constable, county commissioner, county clerk—ex officio clerk of the county and commissmissioners court and recorder of the county—county attorney in counties where there is not a resident criminal district attorney; sheriff—ex officio tax collector and in counties over 10,000 population a separate tax collector—tax assessor, treasurer and surveyor. Small chance of improvement in county government in Texas exists until a constitutional amendment permits these to be sliced off the ballot, and this is equally true of the other states where county officers are constitutionally elective. In Idaho, the legislature is definitely prohibited from creating any county office not listed in the constitution—a unique but perhaps not unwise provision at the time it was adopted.

Uniformity Clause. In eight states—California, Florida, Georgia, Idaho, Nevada, Utah, Washington and Wisconsin—the legislature is authorized to provide a uniform system of county government throughout the state. The Wisconsin clause, in an attempt to forestall the obvious difficulty that would arise, qualified this with the phrase, "as nearly uniform as practicable."

Just what constitutes a uniform system of county government the courts have yet to say. The crucial question at this point is, of course, whether this clause prevents the establishment of optional forms of county government, or the classification of counties for the purpose of governmental organization. California has established optional forms of county government but this is no answer since the California constitution also contains a clause providing for the establishment of such optional forms and has included provision for county home rule since 1911.

The supreme court of Wisconsin has held that absolute uniformity is not required,[3] but it is obvious on the face of the Wisconsin provision that such is not the case. Even in Wisconsin, however, an act which "destroys the unity of the system or which unnecessarily interferes with its uniformity in any material respect, is not a valid law."[4] To the supreme court of Utah, this clause means "a system or plan of government of the several counties in the state, which is uniform, so that its several parts shall be applicable to each county."[5] Whether optional forms of government might be established or not, the uniformity clause, in the opinion of the supreme court of Washington, prevents the legislature from abolishing

ated that their election constitutes no obstacle to the development of an effective structure of county government, except where they may have important administrative functions aside from judicial duties.

[3]State v. Abert, 32 Wis. 403 (1873)

[4]Ibid.

[5]State v. Standford, 66 Pac. 1061 (1901)

some particular office in a particular county or class of counties.[6]

Optional forms of government have been established in Illinois, Missouri, Nebraska, North Carolina, North Dakota and Virginia, but none of these states have uniformity clauses in the constitution. In North Carolina, Virginia, Louisiana, and Montana constitutional amendments have authorized the legislature to provide optional forms of county government, and in the absence of evidence to the contrary it seems probable in states which have uniformity clauses with no qualifying or counteracting provisions, that optional forms of county government could not be provided by legislative action.

It should be pointed out, however, that the uniformity clause would not prevent a legislature from completely altering the system of county government. The existing plan could legally be wiped out and replaced by the county manager plan throughout the state, for instance, without treading on the toes of the uniformity clause. It is hardly necessary to add that this is unlikely; indeed, from the standpoint of those who urge the right of a locality to determine its own form of government, the change would be little improvement.

Local or Special Legislation Prohibited. Twenty-nine state constitutions have provisions forbidding legislatures to pass local and special laws applying to counties. Of these, twenty-six prohibit legislation on the subject of locating or changing county seats or lines, although in New Mexico and Washington it does not apply to the creation of new counties. In twenty states legislatures are prohibited from passing special legislation "regulating county affairs." They are: California, Colorado, Idaho, Illinois, Indiana, Minnesota, Missouri, Montana, Nebraska (county offices), Nevada (except salaries), New Jersey ("internal" affairs), New Mexico, North Dakota, Oklahoma, Pennsylvania, South Dakota, Texas, Utah (except salaries), West Virginia, and Wyoming.

So far as a change in the form of government is concerned, these provisions do not concern us particularly, since the attitude of the courts has been that classification of counties into groups does not violate this provision, if the classification is not an arbitrary one.[7] The classification of counties suggested in the *Model County Manager Law* for the purpose of establishing optional forms of government, whereby counties are divided into three groups, rural, urban-rural and urban, suggests the type of classification which might be advisable and which by no stretch of the imagination could be considered otherwise than reasonable.[8]

Township Organization. In states where the township organization has been written into the constitution, these clauses must be rubbed out before satisfactory improvement can be made in the form of government. Authorities are agreed that, with the possible exception of the New England states, township government should be abolished. Yet the constitutions of two states, Michigan and North Carolina, set up in detail the township organization and list the officers; the constitutions of four states, Idaho, Nevada, South Dakota and Utah, specify that the legislature shall by general law provide for township organization and the constitutions of eight others, California, Illinois, Missouri, Nebraska, North Dakota, Oklahoma, Washington, and Wyoming, broadly hint its desirability.

[6]State v. Fleming, 153 Pac. 347 (1915)

[7]See able discussion in *County Government and Administration* by Fairlie and Kneier, 1930, pp. 60, 61, 71, 72.

[8]See introduction to *Model County Manager Law,* published by the National Municipal League.

Residence Specifications. While requirements as to residence of county officers do not necessarily act as a hindrance to a change in the form of county government, that this is a possibility may readily be comprehended. If the county manager plan were to be adopted in a county where every officer had to be a resident of the political subdivision which appointed him, it is conceivable that a satisfactory county manager might be obtained, but it is also appreciable that the chances of getting a trained executive have been considerably diminished thereby. Fourteen states have such provisions, varying considerably as to details. In Colorado a county officer must be a resident of the county for one year preceding his selection and must be a qualified elector; in Delaware he must have the right to vote for one member of the lower house of the legislature, and be a resident for one year before his selection unless otherwise provided by the constitution; in Georgia he must be a resident of the county for two years and a qualified voter; in Indiana he must be a resident for one year before election or appointment; in Kentucky he must be a resident of the county in which he is to hold office; in Louisiana he must be a citizen of the state and a qualified elector of the county; in New Mexico he must be a resident of the county and after serving two terms he is ineligible for two years thereafter; in North Dakota the sheriff and treasurer are not to hold office more than four years in succession; in Ohio the sheriff and treasurer are not eligible for office more than four years out of six; in Oregon he must be an elector of the county at the time of election; in Pennsylvania he must be a citizen or inhabitant for one year before election or appointment and sheriff and treasurer are not eligible for office for the term after the one for which elected; in South Dakota he must be an elector of the county in which he is to serve office; in Washington he is not to serve more than two terms in succession; and in Wisconsin the sheriff is not to be elected for two consecutive full terms.

OBSTACLES TO CHANGE IN AREA

Since change in the area of county government would necessarily involve alterations in county lines and the removal of county seats, all those constitutional provisions which have to do with the creation of counties, the dissolution, division or merging of counties, the organization of new counties, the location and changing of county seats the alteration of county lines, specifications as to sizes of counties, and clauses regarding township government must be examined to determine the extent to which they interfere with a possible re-chiseling of rural areas.

Apportionment of Assets and Debt in Formation of New Counties. It apparently never entered the heads of framers of our state constitutions that counties might be consolidated; for all the provisions relating to the apportionment of assets and debt have to do with the creation of new counties out of old counties. It may be assumed, however, that these provisions apply to mergers as well.

In sixteen states the constitutions specify that the new county shall be liable for its "just proportion" of existing debts, thus leaving ample room for argument. Perhaps this is just as well, however, since a formula embedded in a state constitution usually causes more trouble than it is worth. In four states, Florida, Louisiana, Oklahoma and Tennessee, the constitutions also provide that the new county shall be entitled to a just proportion of the assets. While this creates no little problem if a consolidation proposal involves the merging of whole counties, it becomes even more serious if areas are sliced up to create more logical administrative areas. Fundamentally, however, it is a practi-

cal problem, the solution of which need not concern us here. The presence of such a clause in the constitution neither aids nor hinders the possibility of improvement in county government through reshaping of local areas.

Creation of Counties. The power of the legislature to create subdivisions of the state for administrative purposes is unquestioned. In the absence of constitutional provisions to the contrary, the legislature can, therefore, create counties and abolish them at will.[9] The tradition of local self-government has always been strong in this country, however, and when the written state constitution developed as a check upon the legislature, guaranteeing certain rights to the citizen, it was only natural that the local areas of government should find their way into this document.

If the constitution itself creates governmental areas without reserving to the legislature power to alter or abolish, as do those of Georgia and West Virginia in establishing existing counties, and as does that of Missouri in prescribing the boundaries of the city of St. Louis (which is not in a county), of course, new areas cannot be created, or changes made in those existing, without constitutional amendment, which must be submitted to the state electorate. The Georgia constitution was so amended in 1924 to permit county consolidation by legislative enactment.

Fourteen states have provisions in their constitutions recognizing counties as legal subdivisions of the state. In these states, counties could not, therefore, be abolished without constitutional amendment.

Eight of the state constitutions have a general grant of power to legislatures to establish new counties. This is almost invariably pared down, however, by other constitutional provisions securing to the electors of the counties the right to vote on a change of location of the county seat, or alterations in county lines. The following states have provisions providing for a local referendum on the question of changing the county seat: Alabama, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, New Mexico, North Dakota, Ohio, Oklahoma (in case of new counties), Oregon, South Carolina, South Dakota, Tennessee, Utah, Washington and Wisconsin. Some of these provide for approval of the change by majority vote of the inhabitants of the county; others require a two-thirds or three-fifths vote.

While no attempt is being made here to consider the practical obstacles in addition to the constitutional obstacles to progress in county government, it will clarify the constitutional background to examine for a moment what is involved practically in these constitutional specifications. Aside from the danger of county seats being booted about from place to place as political footballs, there is the very real fear on the part of those who live and engage in business in county seat towns that any move to alter county boundaries or consolidate counties may endanger not only their livelihood, but property values at the county seat. It is many years since bitter battles over the location of county seats were a common occurrence, but the presence of these constitutional provisions gives assurance of the status quo.

In states which have such provisions, it is difficult to see the possibility of widespread reconstruction of county lines. County consolidation on a broad scale looks visionary unless forced by declining rural income and high cost of rural government. Abolition of counties

[9] State v. Clausen, 163 Pac. (Wash.) 744 (1917); Frantz v. Antry, 91 Pac. (Okla.) 193 (1907); Portwood v. Montgomery County, 52 Miss. 523 (1876).

—radical as that may sound—might be easier, since there would be less opportunity for local jealousy to operate if every county were treated alike. Even in this case, however, the state would have to have local administrative offices, and the inevitable result would be the concentration of business at one county seat to the exclusion of another.

Certainly there is no likelihood of the success of any movement to change these constitutional provisions. Local approval in the states which have such provisions will be necessary to any alteration in local governmental areas and therein lies the real barrier, to which the constitutional provisions themselves are merely front line trenches.

Whereas the constitutions of twenty-six states require a referendum for the moving of county seats, in only ten states does the question of a change in county boundaries have to be submitted to popular vote. These states are: Iowa, Louisiana, Maryland, Minnesota, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, and Utah. Kentucky has an interesting provision in its constitution which declares that the specification regarding county lines shall not prevent the legislature from abolishing counties. The merging of counties after local referenda is provided for in the constitutions of Georgia, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina and Virginia. The following sixteen states require a local referendum if a county is to be divided: Arkansas, Colorado, Idaho, Illinois, Kentucky, Maryland, Missouri, Nebraska, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Wisconsin, and Wyoming.

A majority of the states provide for minimum area or population in the formation of new counties. This is a help rather than an obstacle to progress, except in the event of a small but heavily populated area, and such cases should be provided for separately with a constitutional provision covering city-county consolidation. The minimum area required varies from 275 square miles in Tennessee to 900 square miles in Texas. The minimum population required varies from 700 in Tennessee to 20,000 in Pennsylvania. An interesting touch is given in the provisions of California and Washington, where the minimum population beyond which the old county may not be reduced is higher that the minimum for the new county. The constitutions of Alabama and New York provide that no new county shall be formed unless it contains sufficient population to entitle it to one representative in the assembly.

Minimum assessed valuations in proposed new counties are required by the constitutions of four states. These are placed at $1,000,000 in Idaho; $1,500,000 in South Carolina; $2,000,000 in Wyoming, and $2,500,000 in Oklahoma.

Township provisions. As in the case of a change in the form of government, any constructive change in the area of county government must reckon with the township in those states whose constitutions require a subdivision of the county. It is generally recognized that any change in the area of rural government should be in the direction of increasing rather than diminishing that area. If the county area is considered to be too small for the satisfactory administration of some of the functions of local government how much less adequate is the small township! Constitutional requirements regarding township government in the states of Idaho, Michigan, Nevada, North Carolina, South Dakota, and Utah must be wiped out before any constructive alteration in the area of rural administration can be made.

Local or special legislation prohibited. These clauses are a direct obstacle to piecemeal consolidation of counties by legislative act. They would not, of

course, interfere with any state-wide reconstitution of local areas. They might, however, prevent the legislature from treating various areas differently such as is essential to an intelligent solution of the governmental problem in cut-over lands and other areas unable to support and not requiring a complete quota of local governmental service.

Clauses as to apportionment. Since representation in the state legislature is usually based upon counties, the wording of clauses in constitutions relative to apportionment of members of the state legislature must be examined critically in each instance to determine the necessity for amending them in the light of a proposed consolidation program or other alteration of area.

CITY-COUNTY CONSOLIDATION

Undoubtedly, vast sums of money can be saved through city-county separation or consolidation wherever the boundaries of cities and counties are so nearly coterminous as to make consolidation desirable.[10] At present only two state constitutions contain provisons permitting unlimited city-county consolidation. In California, city and county governments may merge into one municipal government, and incorporate under the general state laws governing incorporation of municipalities. Constitutional conflict is removed by a clause making applicable to the consolidated government the provision of the California constitution applicable to cities as well as those applicable to counties so far as they are not inconsistent with the city provisions. Furthermore, cities drafting their own charters may provide for the performance by county officers of certain municipal functions. An amendment to the Montana constitution in 1922 gave the legislative assembly power to merge cities and towns and county under one municipal government. The Georgia constitution contains a somewhat similar amendment adopted in 1924, but applicable only to municipalities having a population of more than 52,900.

An amendment to the Pennsylvania state constitution in 1928 permits city-county consolidation in Alleghany County. The constitution of Missouri gives the legislature power to consolidate city and county governments in all counties containing a city of over 100,000 inhabitants. The constitutions of two other states—Michigan and Minnesota—permit large cities to organize as separate counties. In Michigan the population minimum is 100,000; in Minnesota, 20,000. In Virginia, incorporation of an area as a city of the first class automatically removes it from the jurisdiction of the county government. The Ohio constitution permits the organization of a city as a separate county, although it is questionable whether the provision is workable.

A constitutional amendment would be the simplest and probably the only satisfactory way in most if not all the remaining states to permit city-county consolidation, since any effort of legislatures to deal with this subject would bring them into conflict with the numerous constitutional provisions regarding elective county officers, the form of county government, township organization, debt limitations and other restrictive clauses.

It is of some significance that three of the four outstanding cases of city-county separation have been brought about by constitutional amendment. This was

[10]The term "separation" is used to indicate the severance of the territory of the city from that of the county; the term "consolidation" to indicate that the city and county are united, with no territorial remnant left over. The difference lies in the disposition of the county area lying outside of the city limits. See *Government of Metropolitan Areas* by the Committee on Metropolitan Government of the National Municipal League, Chapter X.

true of Baltimore, Denver and St. Louis.[11] It is also noteworthy that the Philadelphia Consolidation Act of 1854, (a statute with no direct constitutional tie-up) extending the limits of the city to make them coterminous with the county, did not attempt to destroy the independent governments of the city and county which still operate illogically side by side upon the same territory. In New York, no interference was attempted with the county elective officers prescribed by the constitution, and the shells of five county governments still exist within the area of New York City.

Far more desirable from the standpoint of public policy than a special constitutional amendment covering a particular situation such as Denver or Pittsburgh is a general permissive clause in the constitution which leaves the details to legislative action checked by popular referendum, or permits counties to provide in their charters for a consolidated system of municipal government. This latter provision is included in the *Model State Constitution*.[12]

METROPOLITAN GOVERNMENT

The special problems inherent in the government of a metropolitan area demand individual governmental treatment. The way should be left open for legislative action unhampered by constitutional restrictions that prevent ready alteration in governmental forms and areas and force adherence to existing patterns. It should be realized that even provisions for city-county consolidation do not go far enough, since metropolitan areas leap over numerous county and municipal boundaries.

[11]In the case of San Francisco, no amendment was thought necessary in 1856 but in 1879 her unique position was confirmed by constitutional amendment. See *Government of Metropolitan Areas*, Chapter X, page 175.

[12]*Model State Constitution*, published by the National Municipal League.

OBSTACLES TO CHANGE IN FUNCTIONS

Since the county is the creature of the state, there is nothing to prevent the state legislature from shifting the functions of county government as much as it desires, provided it does not interfere with constitutional specifications as to county boundaries, officers, uniformity of government, and prohibitions upon local or special legislation. The legislature, that is, could shear from the county the function of road-building as the legislatures of North Carolina and Virginia have done; it could make any state-wide regulations or alterations in the way in which school affairs are carried on; it could not, of course, do to one county individually what it could to all the counties as a group.[13]

Save for the dictates of judicial interpretation little difficulty is met, then, if a state in improving county government wishes to shift functions from the county government to the state government.[14] Indeed, there seems to be no constitutional reason why the legislature cannot provide for the consolidation of functions among several counties even though it cannot provide for the consolidation of those county areas. Five state constitutions specifically confer the right to consolidate certain counties for functional purposes. They are: Georgia, Nevada, Texas, Virginia and Wyoming. In Georgia the legislature may abolish the office of county treasurer and consolidate tax receiver and tax collector to be known as county tax commissioner. In Nevada the legislature has the power

[13]The sheriff in Illinois has certain common law power as a constitutional officer and consequently his functions cannot be completely amputated by legislative act. See Peo. v. Cermak, 239 App. 195; Dahnke v. Peo., 168 Ill. 102; Moffett v. Hicks, 209 App. 296. If a similar judicial attitude should be taken in other states, this would constitute a real handicap to improvement in county government by the indirect method of whittling away the powers of constitutional officers.

[14]See supra N. 13.

to increase, diminish, consolidate, or abolish the office of county clerk, recorder, auditor, sheriff, district attorney, surveyor, public administrator and superintendent of schools. In Texas, counties of 6900 square miles exterior to counties now existing may be attached for judicial and land surveying purposes to other counties. In Virginia, the general assembly may with the approval of the majority of voters provide for election or appointment of officers for two or more counties jointly. In Wyoming, the legislature may, "if without detriment to the public service," consolidate offices.

It should be clearly appreciated, however, that counties, without legislative sanction, cannot get together on a functional basis; although it is equally apparent that if several counties wished to consolidate certain of their functions, the legislature should have no objection. The same applies to readjustment of functions as between counties and other areas of local government.

OBSTACLES TO ABOLITION OF THE COUNTY

Whether a constitutional provision which prevents the abolition of county government is to be regarded as a barrier to improvement in the government of rural areas depends, of course, upon the degree of usefulness and importance one attributes either to existing county governments or to the local self-government for which they stand. Certainly the wisdom of abolishing counties is a moot question. There are those, however, who believe such action would be in the interest of administrative efficiency and who sneer at the suggested sacrifice of county home rule as actually of little significance since voters do not have enough interest in their government to make home rule mean anything.

In most states, it is true that home rule in county government is a polite fiction. State supervision and the setting of minimum standards have combined with party machines to squeeze the last drop of reality out of this ringing phrase. Since no state legislature has ever tried to abolish county government, however, we are dealing with a question that is in the realm of pure theory. It is certain that in states where the constitution specifically recognizes counties as the legal subdivision of the state government a constitutional amendment would be required for so radical an alteration in the governmental pattern as the abolition of counties. Suppose, however, that the legislature retained the county as a legal subdivision for the purpose of representation in the legislature, but extracted all its administrative functions, and we have a question that only the courts can answer. Furthermore, if a constitution requires a referendum when a county seat is to be changed, could the legislature take such action as would in effect abolish county seats without first amending that document? It is an interesting question although the practical aspects of the situation are all against it ever being raised. The legislatures themselves are composed largely of county political bosses or their representatives. It is inconceivable that such a body would take action to wipe out counties unless forced to do so by the most extraordinary circumstances. Such circumstances exist in the cut-over counties of timber states, where local government has practically broken down due to inadequate sources of revenue, but here again there is likely to be local support rather than opposition to abolition of useless government in these areas.

Abolition of county government in one fell legislative swoop is much less likely than abolition by amputation of function. The process of stripping county governments of the work they have to do is fairly under way in North Carolina and Virginia is following in her

neighbor's footsteps. Whether other states fall into line will depend, not upon constitutional obstacles or conditions, but the relation of the county tax rate to farm income—or the lack of it—and the promise that state assumption holds of reducing the burden on real property.

OBSTACLES TO IMPROVEMENT IN ADMINISTRATIVE METHODS

Long lists of elective officials and the specification of archaic forms of organization constitute the principal constitutional barriers to the improvement of administrative methods in county government. There are, of course, manifold laws on the statute books which prescribe administrative methods in detail and prevent rather than aid effective county government. Such administrative improvements, however, as an executive budget, centralized purchasing, scientific assessment methods, modern accounting control and similar devices can be put into effect promptly upon the receipt of legislative sanction.

FINANCIAL LIMITATIONS IMPOSED BY STATE CONSTITUTIONS

The most common financial limitations imposed by state constitutions upon county governments are of two general classes: checks upon the incurring of debt; and limitations upon the raising of revenue by taxation. These provisions vary widely from state to state. Some of them are so severe as possibly to cause serious curtailment of the work of the county government; others are so liberal as hardly to constitute a brake upon county expenditure.

Checks upon the incurring of debt include provisions limiting the total debt to a certain per cent of the assessed valuation, the requirement of a referendum on propositions to issue bonds, and restrictions upon the purpose for which debt may be incurred.

Limitations upon the raising of revenue include provisions limiting the total amount to be raised by taxation to a certain per cent of the assessed valuation and the requirement that taxes shall be levied for a public purpose only. Strengthening these latter provisions are clauses in almost every state constitution forbidding the county to extend financial aid to a private enterprise. These latter date back to the heyday of railroad and commercial expansion when every county was scrambling for transportation facilities and industries, and executives were listening eagerly for the highest bid.

The wide variation between the provisions is interesting. In Indiana, Kentucky, Utah and Wyoming the county debt is limited to 2 per cent of the assessed valuation. In Washington it is limited to 1½ per cent unless the consent of three-fifths of the voters is obtained. On the other hand, New York and Nebraska place the limit at 10 per cent of the assessed valuation, but in Nebraska two-thirds of the voters' approval may increase the debt 5 per cent. In Pennsylvania the limit of 2 per cent may be raised by a vote of the people; a majority vote will permit it to go as high as 7 per cent; over this figure a three-fifths vote is required; the final limit is 10 per cent.

The provisions regarding the requirement of the approval of voters also vary widely, both as to the percentage of the vote required, and as to the amount of debt that may be incurred without a vote. Most county expenditures involve the accumulation of debt, of course, since few if any counties operate on a strictly cash basis. Consequently, the approval of voters is usually required for the accumulation of debt over a certain specified minimum amount. In Louisiana, however, no bonds whatever may be issued by the county government unless authorized by a vote of the majority of taxpayers holding the greater amount of property. In Michigan no debts for construction or repair of pub-

lic buildings or bridges may be incurred without the approval of a majority of voters in excess of one-tenth of a mill on the assessed valuation. Counties in Montana may not incur any debt or liability for a single purpose to an amount exceeding $10,000 unless a majority of the voters approve. In other states a county may not incur indebtedness "exceeding in any year the income and revenue provided for such year" without the voters' approval.

The extent to which these various provisions act as a hindrance to the satisfactory administration of county affairs cannot be ascertained without an extensive study. They probably are not so great a hindrance as the numerous additional restrictions that have been placed upon the financial affairs of counties by legislatures. Nor should it be considered for a moment that all restrictions are unfortunate, for county governments have not been so notably efficient as to justify a free hand. If improvement in county government is to come through a strengthened county governmental organization, however, it must be appreciated that such an organization should have sufficient authority to carry on its work, unhampered by artificial restrictions based upon no intelligent conception of the work of the government.

Similar criticism applies to the arbitrary limits placed by many state constitutions upon taxation. If it is necessary to set a limit for the protection of citizens and to support the credit of municipalities, such limit should not be a hit or miss proposition, but should be based upon an analysis of the services such municipalities are performing and are likely to be called upon to perform. That this has not been done is evident from a comparison of present constitutional provisions.

CONCLUSIONS

After perusing hundreds of pages of constitutions, many of them containing no more vital information than that the boundaries of Squeedunk County shall begin at the northwest corner of Ebenezer Bull's red barn, thence in a direct line southwest to the high water mark of Goose Creek in flood time, one cannot fail to be impressed with the value of simplicity and directness in governmental documents which have as their primary aim the protection of the citizen through the setting forth of governmental powers and limitations.

If we were starting from scratch in this matter of developing local areas of administration for functions of statewide concern, it is conceivable that the most intelligent thing we could do as of 1932 would be to omit all reference to county government in constitutions, and put our trust in legislative action. The local rural community could be safeguarded by some form of initiative and referendum machinery. We could then concentrate upon developing responsive and efficient state governments.

Since the county is now firmly embedded in our laws, customs, and traditions, however, it is important to reap whatever advantages it may have, and avoid the disadvantages. Writing advantages into constitutions is no simple task because an asset today may be a liability tomorrow. There is no better illustration of this than some of the constitutional provisions restricting legislatures from classifying counties. Originally designed to prevent the operation of the spoils system at its worst, these clauses became an obstacle to wise solutions of the county governmental problem.

Probably the provisions of the revised *Model State Constitution* represent as simple and satisfactory a way out of the labyrinth as experience has so far shown us.[15] Four opportunities are provided by these provisions, first, for the

[15]See p. 540 infra for recommendations of the committee on county government as to revision of the provisions on local government for the *Model State Constitution.*

legislature to work out improved systems of county government and make them available to counties; second, for individual counties to solve their own difficulties by drafting their own charters; third, for an improved distribution of functions as between existing municipalities and counties; and fourth, for city-county consolidation. If the history of city government may be cited, it will be remembered that by far the most constructive and efficient governmental methods have been developed by individual municipalities, once they were given the opportunity to experiment, unrestricted by general state law. There seems no reason why this should not be true of counties. On the other hand, should it not prove to be so, the specification that "the powers and duties of county government shall be defined by general law" gives the legislature authority to do about as it pleases with the functions of county government.

There are two fundamental aspects to constitution and charter drafting. These are power and protection: power to the government to permit it to be a positive government, moving with the times; protection to the citizen lest it become negative or too positive without the opportunity for him to do something about it. If county government provisions of state constitutions can be redrafted with these points in mind, much rubbish can be thrown out, and constitutions at least may not hinder, if they do not help, the progress of local government.

COUNTY GOVERNMENT

State	*Elective Officials Required by the State Constitutions*
Alabama	Sheriff, solicitor, circuit court clerks, constable.
Arizona	Superior court judges, superior court clerk, sheriff, recorder, treasurer, school superintendent, county attorney, assessor, county superintendent of roads, surveyor, supervisors. "Subject to change by law."
Arkansas	Circuit court clerk (ex officio clerk of county and probate court where population of county exceeds 150,000) recorder, county judge, sheriff (ex officio tax collector) assessor, coroner, treasurer, surveyor, constable.
California	
Colorado	County judge, county school superintendent, county commissioners, county clerk (ex officio recorder of deeds and clerk of board of county commissioners) sheriff, coroner, treasurer (ex officio tax collector) school superintendent, surveyor, assessor, constable.
Connecticut	Sheriff, coroner, judge of probate, justice of peace.
Delaware	Coroner, recorder, sheriff, register of wills.
Florida	Sheriff, circuit court (clerk ex officio county court clerk except in counties where there are criminal courts) and clerk of the board of county commissioners, recorder (ex officio auditor) county judge, (in criminal courts of record clerk ex officio county clerk) county commissioners, constable, county assessor, tax collector, superintendent of public instruction, county surveyor.
Georgia	Ordinary, specified counties to elect specific officers.
Idaho	District court clerk (ex officio auditor and recorder) prosecuting attorney, county commissioners, sheriff, treasurer (ex officio public administrator and tax collector) probate judge, superintendent of public instruction, assessor, coroner, surveyor. "No other county officers to be established."
Illinois	State's attorney, county commissioners, county judge, county clerk, sheriff, treasurer, coroner, clerk of court (ex officio recorder of deeds in counties having more than 60,000 population). Cook County to be managed by board of fifteen.
Indiana	Clerk of circuit court, auditor, recorder, treasurer, sheriff, coroner, surveyor.
Iowa	County attorney.
Kansas	District court clerk, probate court judge, county school superintendent, county commissioners. "Legislature shall provide for such county and township officers as may be necessary."
Kentucky	Judge of county court, county court clerk, county attorney, sheriff, jailer, (legislature may consolidate office of jailer with office of sheriff), coroner, surveyor, assessor, court of appeals judge, and in each justice's district one justice of peace and one constable.
Louisiana	Sheriff (except in parish of New Orleans, sheriff is ex officio collector of state), district court clerk, coroner,—except New Orleans, tax assessor. (In Orleans—recorder of mortgages, register of conveyances, civil and criminal sheriff.)
Maine	Sheriff, judge, registers of probate.

Maryland	Judge, circuit court clerk, 3 judges of the orphan's court, register of wills, sheriff, state's attorney, county commissioners, county surveyor. Worcester County to elect wreck master.
Massachusetts	Sheriff, register of probate, clerk of court.
Michigan	Probate judge, sheriff, county clerk, county treasurer, register of deeds, prosecuting attorney. (Board of supervisors may unite and separate offices of county clerk and register of deeds.)
Minnesota	
Mississippi	Sheriff, coroner, treasurer, assessor, surveyor, clerks of courts, members of board of supervisors to be selected in manner provided by law, constable. "Legislature may make elective or abolish or otherwise provide for."
Missouri	Sheriff, coroner. "Legislature to provide for other officers."
Montana	District court clerk, county attorney, county commissioners, county clerk (ex officio clerk of county commissioners and recorder) sheriff, treasurer (ex officio tax collector) school superintendent, surveyor, assessor, coroner, public administrator.
Nebraska	Judge of county court. "Legislature shall provide by law for the election of such county officers as may be necessary."
Nevada	County clerk (ex officio clerks of courts of records and of boards of county commissioners) recorder, sheriff, district attorney, surveyor, public administrator, superintendent of schools, auditor.
New Hampshire	County treasurer, register of probate, solicitor, sheriff, register of deeds.
New Jersey	Clerk and surrogate, sheriff, coroner, justices of peace.
New Mexico	County clerk—until otherwise provided by law. Constable.
New York	Sheriff, county clerk, district attorney, registers in counties having same, supervisors.
North Carolina	Superior court clerk, sheriff, coroner, treasurer, register of deeds (ex officio clerk of board of commissioners) surveyor, 5 commissioners—legislature may modify or abrogate, clerk, justices of peace.
North Dakota	Clerk of district court where court is held, judge of county court, county school superintendent, clerk of court, register of deeds, county auditor, treasurer, sheriff, state's attorney, county commissioners.
Ohio	Judge and clerk of common pleas court—"Legislature to provide for election of necessary county officers."
Oklahoma	County clerk, county commissioners.
Oregon	County clerk, treasurer, sheriff, coroner, surveyor.
Pennsylvania	Sheriff, coroner, prothonotary, register of wills, recorder of deeds, commissioner, treasurer, surveyor, auditor of controller, clerks of courts, district attorney and others which may be established by law.
Rhode Island	
South Carolina	Clerk of court of common pleas, sheriff, coroner. "Legislature shall provide for such county and township and district officers as may be deemed necessary."
South Dakota	County judge, circuit court clerk (ex officio county court clerk) sheriff, county auditor, register of deeds, treasurer, state's attorney, surveyor, coroner, superintendent of schools.

Tennessee	Inferior court clerk, sheriff, trustee, register, county justices of peace to elect coroner and ranger, constable, justices of peace.
Texas	District court clerk, county judge, justice of peace, constable, county commissioners, county clerk (ex officio clerk of the county and commissioners court and recorder of the county) county attorney in counties where there is not a resident criminal district attorney, sheriff (ex officio tax collector but in counties over 10,000 population a separate tax collector) tax assessor, treasurer, surveyor.
Utah	County attorney.
Vermont	County court judges to be elected by legislature in joint session, assistant county court judge, sheriffs, judge of probate, high bailiff, state's attorney, justices of peace.
Virginia	Treasurer, sheriff, attorney for Commonwealth, county clerk, commissioner of revenue. "Notwithstanding the provisions of this article the general assembly may, by general law, provide for complete forms of county organization and government, to become effective in any county when approved by the majority of the voters.
Washington	Board of county commissioners, sheriff, county clerk, treasurer, prosecuting attorney and other county officers.
West Virginia	Circuit court clerk, commissioners, county court clerk, justices of peace, land surveyor, prosecuting attorney, sheriff, assessors, constables.
Wisconsin	Sheriff, coroner, register of deeds, district attorney, clerk of circuit court, all other county officers, and probate judge unless abolished by legislature.
Wyoming	District court clerk. "Legislature to provide for election of such county officers as may be necessary."

RECOMMENDATIONS OF THE COMMITTEE ON COUNTY GOVERNMENT AS TO PROVISIONS ON LOCAL GOVERNMENT FOR THE MODEL STATE CONSTITUTION

(NOTE:—When the word "new" appears in parentheses following the section number, it indicates the section is not now included in the provisions on local government in the *Model State Constitution.* When a number appears in parentheses following the section number, it refers to the number of that section as it now appears in the *Model State Constitution.* Variations in the wording of such sections have been indicated by **bold type.**)

Section 78. (New) Provision shall be made by general law for the organization and government of counties, cities and villages. Optional laws may also be enacted for the organization and government of counties, cities and villages; but no such optional law shall become operative in any county, city or village until submitted to the electors thereof and approved by a majority of those voting thereon.

Section 79. (80) Any **county or** city may frame and adopt a charter for its own government in the following manner:

The legislative authority of the **county or** city may, by a two-thirds vote of its members, and upon petition of ten per cent of the qualified electors **thereof** shall forthwith, provide by ordinance or resolution for submission to the electors of the question, "Shall a commission be chosen to frame a charter **for the county (or city) of** ————————?" The ordinance or resolution shall require that the question be submitted to the electors at the next regular election, if one shall occur not less than sixty nor more than one hundred and twenty days after its passage, otherwise, at a special election to be called and held within the time aforesaid. The ballot containing such question shall also contain the names of candidates for the proposed commission, but without party designation. Such candidates shall be nominated by petition signed by not less than one per cent of the qualified electors **of such county or city** and filed with the election authorities at least thirty days before such election, but the signatures of more than one thousand (1,000) qualified electors shall not be required for the nomination of any candidate. If a majority of the electors voting on the question of choosing a commission shall vote in the affirmative, then the nine candidates receiving the highest number of votes (or if the legislative authority of the state provides by general law for the election of such commissioners by means of proportional representation, then the nine chosen in the manner required by such general law) shall constitute the charter commission and shall proceed to frame a charter **for such county or city.** The legislative such county or city shall, if so requested by the charter commission, appropriate authority of such **county or** city shall, if so requested by the charter commission, appropriate money to provide for the reasonable expenses of the commission and for the printing of any completed charter and any separate and alternative provisions thereof and their distribution to the electors as required by *Section 81* of this Article.

Section 80. (81) Any charter framed as provided in *Section 79* of this Constitution shall be submitted to the qualified electors of the **county or** city at an election to be held at a time to be determined by the charter commission, but at least thirty days subsequent to the completion of the charter and its distribution among the electors and not more than one year after the election of the charter commission. Any part of such a charter, or any provision alternative to a part thereof, may be submitted to be voted upon separately. Not less than fifteen days before any such election the commission shall make provision for the distribution of copies of the proposed charter, and of any separate parts and alternative provisions thereof, to the qualified electors of such **county or** city. Any charter so proposed which is approved by a majority of the electors voting thereon, with the addition of such parts and as modified by such alternative provisions as may have been separately submitted and similarly approved by a majority of those voting on any such part or provision, shall become the organic law of the **county or** city at

the time fixed in such charter, and shall supercede any existing charter and all laws affecting the organization and government of the county or city which are in conflict therewith. Within thirty days after its approval the election authorities shall certify a copy of the charter to the secretary of state who shall file it as a public record in his office and publish it as an appendix to the session laws enacted by the legislature.

Section 81. (82) Amendments to any such charter may be framed and submitted by a charter commission in the same manner as provided in *Section 81* for framing and adopting a charter. Amendments may also be proposed by a two-thirds vote of the legislative authority of the county or city, or by petition of five per cent of the electors thereof; and any such amendment, after due public hearing before such legislative authority, shall be submitted to the qualified electors of such county or city at a regular or special election as in the case of the submission of the question of choosing a charter commission. Copies of all proposed amendments shall be sent to the qualified electors. Any such amendment approved by a majority of the electors voting thereon shall become a part of the charter of the county or city at the time fixed in the amendment and shall be certified to and filed and published by the secretary of state as in the case of a charter.

Section 82. (New) Counties shall have such powers as shall be provided by general or optional law. Cities, villages and other local units of government may, with the consent of the county, transfer to the county any of their powers or revoke the transfer of any such power, under regulations provided by general law; but the rights of initiative and referendum shall be secured to the people of such cities, villages, or units in respect of every measure making or revoking such transfer, and to the people of the county in respect of every measure giving or withdrawing such consent.

Section 83. (New) Any county charter shall provide the form of government of the county and shall determine which of its officers shall be elected and the manner of their election. It shall provide for the exercise of all powers vested in, and the performance of all duties imposed upon counties and county officers by law. Such charter may provide for the concurrent or exclusive exercise by the county, in all or in part of its area, of all or of any designated powers vested by the Constitution or laws of this state in municipalities and other local units of government; it may provide for the succession by the county to the rights, properties, and obligations of municipalities and other local governments therein incident to the powers so vested in the county, and for the division of the county into districts for purposes of administration or of taxation or of both. No charter or amendment vesting in the county any powers of a municipality or other local unit of government shall become effective unless it shall have been approved by a majority of those voting thereon (1) in the county, (2) in any municipality containing more than 25% of the total population of the county, and (3) in the county outside of such municipality.

Section 84. (83) Except as provided in *Section 83* each city shall have and is hereby granted the authority to exercise all powers relating to municipal affairs; and no enumeration of powers in this Constitution or any law shall be deemed to limit or restrict the general grant of authority hereby conferred; but this grant of authority shall not be deemed to limit or restrict the power of the legislature, in matters relating to state affairs.

The following shall be deemed to be a part of the powers conferred upon cities by this section:

(a) To levy, assess and collect taxes and to borrow money, within the limits prescribed by general laws; and to levy and collect special assessments for benefits conferred;

(b) To furnish all local public services; to purchase, hire, construct, own, maintain, and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof;

(c) To make local public improvements and to acquire, by condemnation or otherwise, property within its corporate limits necessary for such improvements, and also to acquire an excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement;

(d) To issue and sell bonds on the security, in whole or in part, of any such excess property, or of any public utility owned by the city, or of the revenues thereof, or of both, including in the case of a public utility, if deemed desirable by the city, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility;

(e) To organize and administer public schools and libraries, subject to the general laws establishing a standard of education for the state;

(f) To adopt and enforce within their limits local police, sanitary and other similar regulations not in conflict with general laws.

Section 85. (84) General laws may be passed requiring reports from counties, cities and villages as to their transactions and financial condition, and providing for the examination by state officials of the vouchers, books and accounts of all county and municipal authorities, or of public undertakings conducted by such authorities.

Section 86. (85) All elections and submissions of questions provided for in this article or in any charter or law adopted in accordance herewith shall be conducted by the election authorities provided by general law.

1732 1932

PRELIMINARY PROGRAM

OF THE

BICENTENNIAL CONFERENCE ON PLANNING, PARKS, AND GOVERNMENT

WASHINGTON, D. C.

SEPTEMBER 18TH TO 25TH, 1932

WILLARD HOTEL

PARTICIPATING ORGANIZATIONS

American City Planning Institute
American Civic Association
District of Columbia Commission, George Washington Bicentennial
American Institute of Park Executives
American Legislators' Association
National Association of Civic Secretaries
National Council for Protection of Roadside Beauty
National Municipal League
Proportional Representation League

These Associations are meeting in the Federal City as a part of the BICENTENNIAL CELEBRATION of the birth of GEORGE WASHINGTON who selected the site on the Potomac as the seat of the National Government and who supervised the planning of the Federal City by *Major Pierre Charles L'Enfant.* The cornerstone of the north wing of the United States Capitol was laid by GEORGE WASHINGTON September 18, 1793

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HOW TO SECURE REDUCED RAILWAY RATES

IF YOU LIVE EAST OF THE ROCKY MOUNTAINS BE SURE TO SECURE A CERTIFICATE

A reduction of *one and one-half fare on the certificate plan* will apply for members attending meeting of American City Planning Institute; American Civic Association; American Institute of Park Executives; American Legislators' Association; District of Columbia Commission, George Washington Bicentennial; National Association of Civic Secretaries; National Council for Protection of Roadside Beauty; National Municipal League; and Proportional Representation League, to be held at Washington, D. C., September 18–25, 1932, also for dependent members of their families.

Tickets at the regular one-way tariff fares for the going journey may be obtained on any of the following dates (but not on any other date):

From points in Oklahoma and Texas ---------- September 13–19
From all other points in central and eastern United States ------ September 14–20

Be sure that when purchasing going ticket you request a CERTIFICATE. *Do not make the mistake of asking for a* RECEIPT.

Children of 5 and under 12 years of age when accompanied by parent or guardian will, under like conditions, be charged one-half of the fares for adults.

The following directions are submitted for your guidance:

1. Present yourself at the railroad station for tickets and certificates at least 30 minutes before departure of train on which you will begin your journey.

2. Certificates are not kept at all stations. If you inquire at your home station, you can ascertain whether certificates and through tickets can be obtained to place of meeting. If not obtainable at your home station, the agent will inform you at what station they can be obtained. You can in such case purchase a local ticket to the station which has certificates in stock, where you can purchase a through ticket and at the same time ask for and obtain a certificate to place of meeting.

3. Immediately on your arrival at the meeting, present your certificate to the indorsing officer, Miss Harlean James, executive secretary, American Civic Association, as the reduced fares for the return journey will not apply unless you are properly identified as provided for by the certificates.

4. It has been arranged that the special agent of the carriers will be in attendance on September 16–24, inclusive, and 26, from 8.30 A. M. to 5.30 P. M., to validate certificates. If you arrive at the meeting and leave for home again prior to the special agent's arrival, or if you arrive at the meeting later than September 26, after the special agent has left, you can not have your certificate validated, and consequently you will not obtain the benefit of the reduction on the home journey.

5. So as to prevent disappointment, it must be understood that the reduction on the return journey is not guaranteed, but is contingent on an attendance of not less than 100 members of the organizations at the meeting and dependent members of their families, holding regularly issued certificates obtained from ticket agents at starting points, from where the regular one-way adult tariff fares to place of meeting are not less than 67 cents on going journey.

Certificates issued to children at half fares will be counted the same as certificates held by adults.

6. If the necessary minimum of 100 certificates are presented to the special agent, and your certificate is duly validated, you will be entitled, up to and including September 29, to a return ticket via the same route over which you made the going journey at one-half of the regular one-way tariff fare from the place of meeting to the point at which your certificate was issued.

7. Return ticket will be limited to 30 days in addition to date of sale of going ticket as stamped on the certificate.

8. Information with respect to stop-overs and other details should be obtained from ticket agents.

9. No refund of fare will be made on account of failure to obtain proper certificate when purchasing going ticket, nor on account of failure to present validated certificate when purchasing return ticket.

If you live in the West, summer excursion rates will be in effect.

Summer excursion fares, which are on a lower basis than convention fares, will apply from the following territory:

Arizona.	Idaho.	Oregon.
British Columbia.	Montana.	Utah.
California.	Nevada.	Washington.
Colorado (except Julesburg).	New Mexico.	Wyoming.

SUNDAY: SEPTEMBER 18

1 P. M. Preconvention luncheon for the National Association of Civic Secretaries at 2744 Thirty-second Street, NW.

2 P. M. REGISTRATION—Willard Room, Willard Hotel.

3 P. M. Drive and visit to the United States Capitol in commemoration of laying of the cornerstone, September 18, 1793.

6. 30 P. M. JOINT SUPPER—All Organizations. Ball room, Willard Hotel.

Subject: Planning and parks in home building and home ownership programs.

Presiding: Dr. John M. Gries, member Federal Home Loan Bank Board and executive secretary, President's Conference on Home Building and Home Ownership, held December, 1931.

Speaker: An official of the Federal Government.

8. 30 P. M. GENERAL MEETING OF ALL ORGANIZATIONS— ———.

Subject: Plans and parks for the National Capital.

Presiding: Lieut. Col. U. S. Grant, 3d, Director Public Buildings and Public Parks.

Speakers: To be announced.

Moving pictures.

MONDAY: SEPTEMBER 19

8 A. M. (*1*) ROUND-TABLE BREAKFAST—National Association of Civic Secretaries. Coffee Shop, Willard Hotel.

(*2*) ROUND-TABLE BREAKFAST—National Council for Protection of Roadside Beauty. Coffee Shop, Willard Hotel.

9 A. M. REGISTRATION—Willard Room, Willard Hotel.

10 A. M. (*1*) JOINT SESSION—American City Planning Institute, American Civic Association, National Association of Civic Secretaries, National Council for Protection of Roadside Beauty, National Municipal League.

Subject: Citizen support of planning.

Presiding: Frederic A. Delano, president, American Civic Association.

Speakers: Symposium: Is planning supported in your town, and how?

Pittsburgh—Frederick Bigger.

Rochester—Carey H. Brown.

Cleveland—Charlotte Rumbold.

New York—George McAneny.

St. Louis—Harland Bartholomew.

Discussion. Dr. Geo. C. Havenner, President Federation of Citizens' Associations, Washington, D. C.

George B. Dealey, Dallas, Tex.

J. C. Nichols, Kansas City, Mo.

Richard B. Watrous, Providence, R. I.

(*2*) BUSINESS MEETING—American Institute of Park Executives.

(*3*) SESSION—American Legislators' Association.

(*4*) COMMITTEE MEETINGS—National Municipal League.

MONDAY: SEPTEMBER 19

12.30 P. M. JOINT LUNCHEON—All organizations.

Subject: Citizen support for planning and government.

Presiding: Harland Bartholomew, president, National Conference on City Planning, St. Louis.

Speakers: Alfred Bettman, Chairman, City Planning Commission, Cincinnati.

2.30 P. M. (*1*) CHOICE OF CITY, PARK OR REGIONAL PARK TOUR.

(*2*) SESSION—National Municipal League. General theme: The problem—Paying for local government during the depression.

Subject: Increasing demands on government *v.* declining revenues.

Presiding: Hon. Murray Seasongood, president, National Municipal League.

Speakers: Opening remarks by presiding officer.

How retrenchment in industries has increased the demands upon government.—Louis Brownlow, director, Public Administration Clearing House, Chicago.

Has the general property tax broken down?—Hon. Seabury C. Mastick, State senator, New York.

The pressure of unemployment on city treasuries.—Harry L. Hopkins, director, Temporary Emergency Relief Administration State of New York. (Invited.)

Effect upon municipal credit.—Carl H. Chatters, executive director, Municipal Finance Officers' Association, Chicago.

Discussion.

6.30 P. M. (*1*) ROUND-TABLE DINNER—American City Planning Institute, American Civic Association, American Institute of Park Executives, American Legislators' Association, National Council for Protection of Roadside Beauty.

Subject: Wanted—A national public land policy.

Presiding: To be announced.

Speakers: National parks a Federal responsibility.

Wild Life Sanctuaries on a National Plan.

Why national forests?

Symposium: What shall we do with the remaining public domain? Try to put it in private ownership?—Edward W. Morehouse, managing editor, Journal of Land and Public Utility Economics. (Invited.)

Cooperation with the States.—Henry W. Toll, director, American Legislators' Association.

Has the Federal Government a responsibility?—Frederick Law Olmsted, vice president, American Civic Association.

Discussion.

6. 30 P. M. and evening. (*2*) ROUND TABLE DINNER AND EVENING SESSION—National Municipal League.

Subject: Cutting costs *v.* elimination of services.

Presiding: Honorable Murray Seasongood, president, National Municipal League.

Speakers: Must taxes be reduced?—Silas Strawn, former president, Chamber of Commerce of the United States, and honorary vice president, National Municipal League.

Must the schools be sacrificed?—William G. Carr, director of research division, the National Education Association, Washington.

Can we reduce welfare costs?—Frank Bane, director, American Public Welfare Association, Chicago.

The cost of keeping a community healthy.—C. E. McCombs, Institute of Public Administration, New York City.

Discussion.

TUESDAY: SEPTEMBER 20

8 A. M. (*1*) ROUND TABLE BREAKFAST—National Association of Civic Secretaries. Coffee Shop, Willard Hotel.

(*2*) ROUND TABLE BREAKFAST—National Council for Protection of Roadside Beauty. Coffee Shop, Willard Hotel.

9 A. M. REGISTRATION—Willard Room, Willard Hotel.

10 A. M. (*1*) JOINT SESSION—American City Planning Institute, American Civic Association, American Legislators' Association, National Council for Protection of Roadside Beauty.

Subject: Roadside improvements.

Presiding: Frederic A. Delano, president, American Civic Association.

Symposium.—Elements of Rural Roadside Control. (Ten-minute talks.)

Summary of laws on roadside planting.—Mrs. Junius S. Morgan, chairman of committee on landscape planning and planting, President's Conference on Home Building and Home Ownership.

Roadside planting possibilities.—Earle S. Draper, chairman of committee on legislation, American Society of Landscape Architects.

Essentials of a model wayside market.—Mrs. Henry Ford, president. Woman's National Farm and Garden Association. (Invited.)

Eliminating illegal signs from trees and barns.—Lavinia Engle, member of Maryland House of Delegates.

Symposium: Does the future promise improvement?

Why Massachusetts is leading in billboard control.—Mrs. W. L. Lawton, chairman, National Council for Protection of Roadside Beauty.

The vital points in an effective billboard law.—Albert S. Bard, counsel, National Council for Protection of Roadside beauty.

A legislator's point of view.— ——— ———.

	AMERICAN CIVIC ASSOCIATION	AMERICAN INSTITUTE OF PARK EXECUTIVES	AMERICAN LEGISLATORS' ASSOCIATION
Sunday			
2 p. m.	REGISTRATION, WILLARD ROOM—FIRST FLOOR WILLARD HOTEL.		
3 p. m.	DRIVE AROUND CITY—MOTOR COACHES LEAVE HOTEL AT 3 P. M.		
6.30 p. m.	JOINT SUPPER—ALL ORGANIZATIONS—BALLROOM WILLARD HOTEL.		
8.30 p. m.	GENERAL MEETING—ALL ORGANIZATIONS—SYSTEM.		
Monday			
8 a. m.			
9 a. m.	REGISTRATION, WILLARD ROOM—FIRST FLOOR WILLARD HOTEL.		
10 a. m.	Joint session: Citizen support for planning.	Business meeting.	Session.
12.30 p. m.	JOINT LUNCHEON—ALL ORGANIZATIONS—BALLROOM WILLARD HOTEL.		
2.30 p. m.	CHOICE CITY PARK OR REGIONAL PARK TOUR.		Session.
6.30 p. m. and evening.	Round table—Wanted: A national public land policy.	Round table—Wanted: A national public land policy.	Round table—Wanted: A national public land policy.
Tuesday			
8 a. m.			
10 a. m.	Joint session: Roadside improvement.	Business session.	Joint session: Roadside improvement.
12.30 p. m.	JOINT LUNCHEON: Billboards.	JOINT LUNCHEON: Billboards.	JOINT LUNCHEON: Billboards.
2.30 p. m.	Round table: State planning.	Division meetings.	Session.
7 p. m.	JOINT DINNER—ALL ORGANIZATIONS—LARGE BALLROOM WILLARD		
Wednesday			
8 a. m.			
10 a. m.	Committee meeting on civic education.	Session.	Session.
11.30 a. m.		Trip to National Zoological	
12.30 p. m.	Free.	Park followed by buffet lunch	Free.
2.30 p. m.	Free.	and choice of golf or garden trip.	Free.
6.30 p. m.	Boat trip to Virginia National	Boat trip to Virginia National	Free.
Thursday	Colonial Monuments.	Colonial Monuments.	
Friday to Sunday	Special week-end trip to Shenandoah National Park in Blue Ridge Mountains.		

American City Planning Institute

SCHEDULE

NATIONAL ASSOCIATION OF CIVIC SECRETARIES	NATIONAL COUNCIL FOR PROTECTION OF ROADSIDE BEAUTY	NATIONAL MUNICIPAL LEAGUE
SUBJECT: PLANNING AND PARKS ESSENTIAL TO AMERICAN HOME.		SUBJECT: PLANS FOR THE NATIONAL CAPITAL AND ITS PARK
Round table breakfast—Coffee Shop.	Round table breakfast—Coffee Shop.	
Joint session: Citizen support for planning.	Joint session: Citizen support for planning.	Committee meetings.
SUBJECT: CITIZEN SUPPORT FOR PLANNING AND GOVERNMENT.		
Free.	CHOICE OF TOURS.	GENERAL THEME: Paying for local government during depression. Session: Increasing demands on government *v.* declining revenues.
Free.	Round table—Wanted: A national public land policy.	Dinner and evening session: Cutting costs *v.* elimination of services.
Round table breakfast—Coffee Shop.	Round table breakfast—Coffee Shop.	
Free.	Joint session roadside improvement.	SESSION: Cutting costs *v.* elimination of services.
Free.	JOINT LUNCHEON: Billboards.	Luncheon: Planning future expenditures.
Free.	Round table: State planning.	SESSION: Unloading the politician, spoilsman, and racketeer.
HOTEL. SUBJECT: PARKS.		
Round table breakfast—Coffee Shop.	Round table breakfast—Coffee Shop.	
Free.	Free.	SESSION: Changes in the areas and functions of government.
Free.	Free.	Luncheon: Changes in structure of government and improvement of personnel.
Free.	Free.	SESSION: Changes in incidence of taxation.
Free.	Boat trip to Virginia National Colonial Monuments.	Proportional Representation League dinner.

will meet at lunch Tuesday, September 20, at 12.30 p. m.

10 A. M. (*2*) BUSINESS SESSION—American Institute of Park Executives.

(*3*) SESSION—National Municipal League.

Subject: Cutting costs *v.* elimination of services. (Continued.)

Presiding: Honorable Murray Seasongood, president, National Municipal League.

Speakers: What we pay for fire protection.—George W. Booth, chief engineer, The National Board of Fire Underwriters, New York City.

Cost of regulatory inspection.—Miss Edna Trull, Municipal Administration Service.

How much public recreation is essential?—Roy Smith Wallace, National Recreation Association, New York.

Discussion.

12.30 P. M. (*1*) Conference Luncheon, American City Planning Institute.

(*2*) JOINT LUNCHEON—American Civic Association, American Institute of Park Executives, American Legislators' Association, National Council for Protection of Roadside Beauty.

Subject: Billboards.

Presiding: Mrs. W. L. Lawton, chairman, National Council for Protection of Roadside Beauty.

Speakers: "Obscenic" Scenery.—Struthers Burt.

The Public Interest is Paramount.—J. Horace McFarland, past president and chairman of roadside improvement committee, American Civic Association.

(*3*) LUNCHEON—National Municipal League.

Subject: Planning future expenditures.

Presiding: Honorable Murray Seasongood, president, National Municipal League.

Speakers: Planning for public works in times of depression.—Col. D. H. Sawyer, director, Federal Employment Stabilization Board, Washington, D. C.

Financing public works in times of depression.—Stephen B. Story, Rochester, N. Y.

Discussion.

2.30 P. M. (1) ROUND TABLE—American City Planning Institute, American Civic Association, National Council for Protection of Roadside Beauty.

Subject: State planning.

Presiding: Albert Shaw, Editor, Review of Reviews.

Speakers: Jacob L. Crane, Thomas H. MacDonald, Robert Whitten, Richard Lieber, Herbert Evison, and others.

(*2*) DIVISION MEETINGS—American Institute of Park Executives:

(*3*) SESSION—American Legislators' Association.

(*4*) SESSION—National Municipal League.

Subject: The solution—Unloading the politician, spoilsman, and racketeer.

Speakers: Can a city government be run like an efficient private business?—C. A. Dykstra, city manager, Cincinnati.

North Carolina cleans house—Hon. O. Max Gardner, Governor of North Carolina.

What price racketeering? Breaking up the alliance between politics and crime—Gordon L. Hostetter, executive director, Employers Association, Chicago.

Discussion.

7.00 P. M. JOINT DINNER—All Organizations.

Subject: Parks.

Presiding: Hon. Ray Lyman Wilbur, Secretary of the Interior. (Invited.)

Speakers: The part played by the participating organizations. (Three-minute responses.)

Planning points to parks.—Frederick Bigger, president, American City Planning Institute.

Citizen support for national and local parks.—Frederic A. Delano, president, American Civic Association.

Park executives administer parks.—Alfred MacDonald, president, American Institute of Park Executives.

State parks ——— ——— American Legislators' Association.

Federal City parks and the bicentennial—Dr. Cloyd H. Marvin, president, District of Columbia Commission, George Washington Bicentennial.

Civic secretaries work for parks.—H. Marie Dermitt, secretary, National Association of Civic Secretaries.

Parks lead the way in eliminating billboards.—Mrs. W. L. Lawton, chairman, National Council for Protection of Roadside Beauty.

Parks a major municipal problem.—Hon. Murray Seasongood, president, National Municipal League.

Proportional representation will promote parks.—Prof. A. R. Hatton, president, Proportional Representation League.

PARK PROBLEMS IN ADMINISTRATION

The relation of park administration to general government.—Louis Brownlow, director, Public Administration Clearing House.

How Westchester County manages its parks.—Jay Downer, chief engineer, Westchester County Park Commission.

National Park Service administers the national parks for the use and enjoyment of the people.—Horace M. Albright, director, National Park Service.

WEDNESDAY: SEPTEMBER 21

8 A. M. (*1*) ROUND TABLE BREAKFAST—National Association of Civic Secretaries. Coffee Shop, Willard Hotel.

(*2*) ROUND TABLE BREAKFAST—National Council for Protection of Roadside Beauty. Coffee Shop, Willard Hotel.

10 A. M. (*1*) COMMITTEE MEETING—American Civic Association: Civic education.

(*2*) SESSION—American Institute of Park Executives.

(*3*) SESSION—American Legislators' Association.

(*4*) SESSION—National Municipal League.

Subject: The solution—Changes in areas and functions of government.

Presiding: Hon. Murray Seasongood, president, National Municipal League.

Speakers: What constitutes a community for purposes of government?—Herman Finer, London School of Economics and Political Science.

Possibilities of regional government.—Thomas H. Reed, professor of political science, University of Michigan, Ann Arbor, Mich.

Adjustment in functions between city and county.—Emmett L. Bennett, director of Municipal Reference Bureau, University of Cincinnati.

Discussion.

11.30 A. M. TRIP TO NATIONAL ZOOLOGICAL PARK—American Institute of Park Executives, open to any members of the joint conference.

12.30 P. M. (*1*) BUFFET LUNCHEON in National Zoological Park.

(*2*) LUNCHEON—National Municipal League.

Subject: The solution—Changes in structure of government and improvement in personnel.

Speakers: Samuel Seabury, counsel, Hofstadter Legislative Investigating Committee, New York. (Invited.)

George McAneny, president, National Civil Service Reform League.

Discussion.

2. 30 P. M. *(1)* Following zoo luncheon choice of GOLF or GARDEN TRIP.

(*2*) SESSION—National Municipal League.

Subject: The solution—Changes in the incidence of taxation.

Presiding: Hon. Murray Seasongood, president, National Municipal League.

Speakers: Taking the burden from real estate.—Robert Murray Haig, professor of political economy, Columbia University, and president of National Tax Association.

Taking the burden from improvements and personal property.—Harold S. Buttenheim, editor, The American City.

Undeveloped sources of municipal revenue.—F. L. Bird, assistant director, Municipal Administration Service, New York.

A taxpayers' association in action.—A. C. Rees, executive secretary, Utah Taxpayers' Association.

6. 30 P. M. (*1*) DINNER—Proportional Representation League.

Subject: Proportional representation.

Presiding: Prof. A. R. Hatton, Northwestern University, president of Proportional Representation League.

Speakers: To be announced.

WEDNESDAY : SEPTEMBER 21

6. 30 P. M.	(*2*) Boat leaves Seventh Street Wharf for Old Point Comfort and trip to Virginia national monuments. Half an hour should be allowed by taxi from the Willard Hotel to the wharf. Dinner will be served on the boat.

THURSDAY : SEPTEMBER 22

7 A. M.	BREAKFAST served on boat at Old Point Comfort.
8. 30 A. M.	Motor coaches leave Old Point Comfort to visit Yorktown, Jamestown, and Williamsburg.
12. 30 P. M.	LUNCHEON at Williamsburg followed by inspection of the restoration.
4 P. M.	Leave Williamsburg for Wakefield, birthplace of George Washington.
6 P. M.	BUFFET SUPPER at Wakefield.
10 P. M.	Arrive in Washington.

FRIDAY : SEPTEMBER 23

1. 30 P. M.	Leave Washington by automobile for Shenandoah National Park.

From Friday afternoon, September 23 to Sunday, September 25, midday dinner, the time will be spent in inspecting the Shenandoah National Park. The party will stay at Skyland, on top of the ridge. It is planned to reach Washington by 8 P. M. Sunday, September 25.

OFFICERS OF PARTICIPATING ORGANIZATIONS

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PROPORTIONAL REPRESENTATION LEAGUE.

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Executive secretary: George H. Hallett, jr.

TOUR OF THE NATIONAL COLONIAL MONUMENTS AND WILLIAMSBURG

A boat and motor-coach tour of the National Colonial Monuments, including Yorktown, Jamestown, and Wakefield, and of Williamsburg, has been arranged through the courtesy of the National Park Service for the members of the conference. Horace M. Albright, director of the National Park Service, will travel with the party. The boat, *District of Columbia*, will leave the Seventh Street wharf at 6.30 P. M., Wednesday, September 21. Reservations should be made as soon as possible by notifying the secretary of the conference, 901 Union Trust Building, Washington, and tickets should be claimed and paid for at the registration desk, not later than Monday night, September 19. There are 112 outside and 26 inside staterooms which will be assigned in the order in which reservations are received. The cost of the trip, including boat fare, stateroom, Wednesday dinner and Thursday breakfast on boat, coaches from Old Point Comfort, Virginia, to Washington, lunch at Williamsburg, and supper at Wakefield, is estimated to be $15 to members of the conference.

SPECIAL WEEK-END TRIP TO SHENANDOAH NATIONAL PARK

Special arrangements have been made by Director Albright of the National Park Service for those who wish to spend the week-end, Friday, September 23 to Sunday, September 25, exploring the new Shenandoah National Park. Local members of the American Civic Association, the American Institute of Park Executives, and of the Potomac Appalachian Trail Club will furnish transportation in their cars. Friday and Saturday nights will be spent at Skyland, on the crest of the Blue Ridge Mountains. Hiking, riding, and driving trips will be arranged to meet the desires of all. Reservations should be made in advance of the conference by notifying the secretary at 901 Union Trust Building, Washington, and confirmed at the registration desk before Wednesday, September 21 at 6 P. M. The cost will not exceed $10.

HEADQUARTERS

The headquarters of all the organizations will be at the Willard Hotel, corner of Fourteenth Street and Pennsylvania Avenue. All sessions will be held in the hotel, with the exception of the Sunday evening session, September 18.

ROOM RESERVATIONS

Special rates have been quoted to members of the conference. Room reservations should be made directly to the hotel and should state accommodations desired, price and time of arrival, and should indicate attendance at the BICENTENNIAL CONFERENCE ON PLANNING, PARKS, AND GOVERNMENT.

Rates:	Single rooms with bath	$3.50 and $4
	Double rooms with bath and double bed	$5
	Double rooms with bath and twin beds	$6 and $7

Rooms may also be had at the Washington Hotel in the same block and at the Raleigh Hotel, two blocks away on Pennsylvania Avenue. Other hotels in the city include the Mayflower on Connecticut Avenue at L Street; the Powhatan, Pennsylvania Avenue at Eighteenth Street; the Lafayette at Sixteenth and I Streets; the Carlton, Sixteenth and K Streets; and the Dodge (near Union Station) on D Street near North Capitol.

Estimated cost of room, meals and registration, Sunday afternoon to Wednesday afternoon	$25.00	
Estimated cost of Virginia trip, Wednesday evening to Thursday evening	15.00	
		$40.00
Estimated cost of trip to Shenandoah National Park, Friday to Sunday		10.00
		50.00

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